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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,619	03/01/2002	Werner Humbs	401552	2166
23548	7590	09/30/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			CHEVALIER, ALICIA ANN	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SC

Office Action Summary	Application No. 10/085,619	Applicant(s) HUMBS, WERNER	
	Examiner Alicia Chevalier	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-19 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

Request for Continued Examination

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) filed on July 23, 2004 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 11, 13-19 and 21-28 are pending in the application, claims 12 and 20 have been cancelled.
3. Amendments to the claims, filed on July 23, 2004, have been entered in the above-identified application.

WITHDRAWN REJECTIONS

4. The 35 U.S.C. §112, first paragraph, rejections of claims 11-20, made of record in the office action mailed April 5, 2004, page 3, paragraph #8 have been withdrawn due to Applicant's amendment in the response filed July 23, 2004.

REJECTIONS

5. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

Art Unit: 1772

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 11, 13-19 and 21-28 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 11 now recites "first pixels including only two organic light-emitting material layers and comprising a layer of a first organic material, first cathode layer, a layer of second organic material, and a second cathode layer," which is requires six layers in the first pixels, four organic material layers and two cathode layers. There is no support in specification for any of the pixels having more then three layers of organic materials, light emitting or other wise. Therefore, the limitation is considered to be new matter and should be deleted.

Claim 21 recites "first pixels including three organic light-emitting material layers and comprising a layer of a first organic material, first cathode layer, a layer of second organic material, a second cathode layer, a layer of a third organic material, and a third cathode layer" which is requires nine layers in the first pixels, six organic material layers and three cathode layers. There is no support in specification for any of the pixels having more then three layers of organic materials, light emitting or other wise. Therefore, the limitation is considered to be new matter and should be deleted.

Claim 21 recites "second pixels including only two organic light-emitting material layers and comprising a layer of a first organic material, first cathode layer, a layer of second organic material, and a second cathode layer," which is requires six layers in the first pixels, four organic

Art Unit: 1772

material layers and two cathode layers. There is no support in specification for any of the pixels having more than three layers of organic materials, light emitting or other wise. Therefore, the limitation is considered to be new matter and should be deleted.

8. Claims 11, 13-19 and 21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites "first pixels including only two organic light-emitting material layers and comprising a layer of a first organic material, first cathode layer, a layer of second organic material, and a second cathode layer." It is unclear from the claim language how many layers Applicant is claiming in the first pixels.

Regarding the first pixels Applicant states that they are "including only" and follows that with "comprising." It is unclear if Applicant wishes the first pixels to comprises only two layers or if the first pixel comprises 6 or more layers.

The limitations "second pixels including only a single organic light-emitting material and comprising a layer of the second organic material and the second cathode layer" claim 11, "second pixels including only two organic light-emitting material layers and comprising a layer of the second organic material, the second cathode layer, a layer of the third organic material, and the third cathode layer" claim 21 and "third pixels including only a single light emitting organic material and comprising a layer of the third organic material and the third cathode layer" claim 21 are unclear for the same reason, i.e. Applicant uses the both open and closed transitional phrase in regard to the pixels.

EXAMINER'S COMMENT

It is believed that Applicant is not trying to claim first pixels with six layers or more and second pixels with three layers or more in claim 11. Furthermore, it is believed that Applicant is not trying to claim first pixels with nine layers or more, second pixels with six layers or more, and third pixels or more in claim 21.

Rather, in light of the specification, the Examiner believes that Applicant is trying in claim 11 to claim that the first pixels consist only of a first organic light-emitting material, a first cathode layer, a layer of a second organic light-emitting material and a second cathode layer and the second pixels consist only of a layer of the second organic light-emitting material and the second cathode layer. Also, for claim 21 it is believed that Applicant is trying to claim that first pixels consist only of a first organic light-emitting material, a first cathode layer, a layer of a second organic light-emitting material, a second cathode layer, a layer of a third light-emitting organic material, and a third cathode layer and the second pixels consist only of a layer of the second organic light-emitting material, the second cathode layer, a layer of the third organic light-emitting material, and the third cathode layer and third pixels consisting of a layer of the third organic light-emitting material and the third cathode layer. This concept of the first, second and/or third pixel each having a different number of layers of organic light-emitting material and cathodes, which the examiner believes Applicant's are trying to claim, in combination with the rest of the limitations in claims 11 and 21 is potentially allowable if written as such.

The Examiner recommends language such as "first pixels consisting of a layer of a first organic light-emitting material, a first cathode layer, a layer of a second organic light-emitting

Art Unit: 1772

material, and a second cathode, sequentially stacked, in each of the first cells, on the anode layer.” It is suggested to use similar language regarding all the limitations dealing with pixels.

ANSWERS TO APPLICANT'S ARGUMENTS

9. Applicant's arguments in the response filed July 23, 2004 regarding the previous rejections of record have been considered but are moot since the rejections have been withdrawn and in view of the new grounds of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alicia Chevalier
9/21/04